

The 25th February, 1987

No. 9/1/87-6Lab/922.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Managing Director, H. S. M. I. T. C., Sector 17, Chandigarh,

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 294 of 1985

SHRI OM PARKASH, S/O SHRI ASA RAM, H. NO. 2473/1 BALMIK NAGAR,
AMBALA CITY AND THE MANAGEMENT OF THE M/S MANAGING
DIRECTOR, H. S. M. I. T. C., SECTOR 17, CHANDIGARH

Present :

Shri Rajeshwar Nath, for the workman.

Shri Bhagat Singh, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of the powers conferred,—vide clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Om Parkash and M/s H. S. M. I. T. C. to the Court. The terms of reference are as under :—

Whether termination of services of Shri Om Parkash, workman, is just and correct, if not, to what relief is he entitled ?

Workman through his demand notice alleged that he joined service of respondent-management on 1st March, 1978, as Sweeper-cum-Chowkidar in Drilling and Development Division, H. S. M. I. T. C., Ambala City. He was suspended w. e. f. 19th May, 1981. These orders were delivered to him on 2nd September, 1981. He was charge-sheeted on 23rd November, 1981. Inquiry was held. Inquiry Officer submitted his report on 8th December, 1982. Second show cause notice was served upon him on 22nd February, 1984 and thereafter, his services were terminated in a most illegal and arbitrary manner. He prayed for his reinstatement with continuity of service and with full back wages.

Respondent-management contested the dispute, and contended that reference is not covered in the definition of industry under section 2(J) of Industrial Disputes Act. Shri Om Parkash is not a workman in the definition of Industrial Disputes Act. It was also contended that management terminated services of the workman Shri Om Parkash in a legal and proper manner and charged him for serious mis-conduct against him after serving him proper charge-sheet and holding inquiry against him. There were charges of misbehaviour, dis-obedience and wilful absence from duty, so it was prayed that workman is not entitled to his reinstatement and any other relief.

On the pleadings of the parties the following issues were framed :—

Issues :

1. Whether termination order regarding services of workman is unjustified and incorrect, if so, its effect ?
2. Relief.

Issues were framed on 22nd May, 1986. Since then the reference was pending for workman evidence. First of all it was posted for workman evidence for 6th August, 1986 then for 25th September, 1986, 23rd October, 1986 and 9th December, 1986. To day neither workman is present nor he summoned or produced any evidence in support of this case. Shri Rajeshwar Nath, Authorised Representative of the workman submitted that the whereabouts of the workman are not known so this reference be adjournment *sine-die* but it was objected by the respondent Shri Bhagat Singh by saying that Om Parkash appeared as a witness on 23rd October, 1986 in the court of Shri R. C. Gupta, Sub-Judge 1st Class, Ambala in a case *Mam Raj versus H. S. M. I. T. C.*, so the plea of Shri Rajeshwar Nath is not correct. On this account the workman evidence is closed under order 17, rule 3 C. P. C. and claim of the workman is dismissed, and filed, so I pass award regarding the dispute between the parties accordingly.

Dated the 9th December, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

Endst. No. 3335, dated the 10th December, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

The 5th March, 1987

No. 9/3/87-6Lab/807.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Centuri Engineering Company, Plot No. 183, Sector 24, Faridabad :—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 299 of 1986

between

SHRI RAVI DUTT, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S CENTURI ENGINEERING COMPANY, PLOT NO. 183, SECTOR 24, FARIDABAD,

Present:

Workman in person.

Shri Jagbir Bhadana, for the respondent-management.

AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/FD/102-86/34171-76, dated 18th September, 1986, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Ravi Dutt, workman and the respondent-mnagement of M/s Centuri Engineering Company, Plot No. 183, Sector 24, Faridabad, Accordingly, it has been registered as reference No. 299 of 1986.

2. The reference is fixed for filing of Written Statement. Ravi Dutt, workman had made statement to the effect that he has received one cheque of Rs. 2,800 and Rs. 200 cash from the respondent towards full and final settlement of the matter in dispute and now he does not want to persue the reference any further. The reference is accordingly answered to the effect that parties have settled at their own level and no further action is needed.

Dated the 30th January, 1987.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 154, dated the 4th February, 1987.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.